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18
19 **UNITED STATES DISTRICT COURT**
20
21 **NORTHERN DISTRICT OF CALIFORNIA**
22
23 **SAN FRANCISCO DIVISION**

24 LOPEZ TAX SERVICE, INC., et al.,) Case No.: CV12-02654-JSW
25 Plaintiffs,)
26 vs.) **STIPULATION AND [PROPOSED]**
27 THE INCOME TAX SCHOOL, INC.,) **ORDER RE CONSOLIDATION AND**
28 Defendant.) **DISMISSAL**
28) [Civ. L.R. 7-12]

1 Pursuant to Civ. L.R. 7-12, Plaintiffs LOPEZ TAX SERVICE, INC., CARLOS C. LOPEZ,
 2 KRISTEEENA S. LOPEZ and LATINO TAX PROFESSIONALS ASSOCIATION, LLC,
 3 (collectively “Lopez”) and Defendant THE INCOME TAX SCHOOL, INC. (“ITS”) hereby stipulate
 4 and agree to the following subject to the approval of the Court:

5 WHEREAS, the above-captioned lawsuit (“*Lopez* suit”) and the action captioned: *The*
 6 *Income Tax School, Inc. v. Lopez Tax Service, Inc., et al.*, United States District Court, Northern
 7 District of California, Oakland Division, Case No. CV12-4181-JSW (“*ITS* suit”) were previously
 8 deemed related to one another by this Court’s Order entered August 22, 2012 [Docket No. 26]; and

9 WHEREAS, the *Lopez* suit and *ITS* suit involve common questions of law and fact within the
 10 meaning of Fed. R. Civ. P. 42; and

11 WHEREAS, Lopez and ITS have come to agreements concerning ITS’ pending motion to
 12 dismiss the Complaint filed in the *Lopez* suit, and concerning the responsive pleadings to be filed in
 13 the *Lopez* and *ITS* suits;

14 NOW THEREFORE, subject to the approval of the Court Lopez and ITS agree to the
 15 following:

16 1. The *Lopez* suit and the *ITS* suit, previously deemed related to one another by this
 17 Court’s Order entered August 22, 2012 [Docket No. 26], shall be and hereby are consolidated
 18 pursuant to Fed. R. Civ. P. 42, with the case number of the *Lopez* suit (No. CV12-02654-JSW) as the
 19 lead case number for the consolidated action.

20 2. The presently-pending motion [Docket No. 8] by ITS to dismiss, transfer or stay the
 21 first claim for declaratory relief re copyright infringement filed in the *Lopez* suit’s Complaint is
 22 denied.

23 3. The presently-pending motion [Docket No. 8] by ITS to dismiss, transfer or stay the
 24 second claim for declaratory relief re disparagement filed in the *Lopez* suit’s Complaint is deemed
 25 withdrawn without prejudice.

26 4. Lopez’ second claim for declaratory relief re disparagement in its Complaint [Docket
 27 No. 1] filed in the *Lopez* suit is dismissed without prejudice.

1 5. ITS shall file its answer and any other pleadings it deems necessary in response to the
2 Complaint filed in the *Lopez* suit not later than October 17, 2012.

3 6. Defendant Latino Tax Professionals Association, LLC (the sole remaining *ITS* suit
4 defendant) shall file its answer and any other pleadings it deems necessary in response to the
5 Complaint filed in the *ITS* suit not later than October 17, 2012.

6 Dated: October 2, 2012

7 **GAUNTLETT & ASSOCIATES**

8 By: /s/ Andrew M. Sussman

9 David A. Gauntlett
10 James A. Lowe
11 Andrew M. Sussman

12 Attorneys for Plaintiffs
13 Lopez Tax Service, Inc., Carlos C. Lopez,
14 Kristeena S. Lopez, and Latino Tax Professionals
15 Association, LLC

16 Dated: October 2, 2012

17 Nicholas Ranallo, Attorney at Law

18 By: /s/ Nicholas Ranallo

19 Nicholas Ranallo

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28 The Income Tax School, Inc.

29 PURSUANT TO STIPULATION, IT IS SO ORDERED.

30 The Case Management Conference is now moved to 1:30 p.m. on Friday
31 October 26, 2012. The joint CMC statement shall remain due on**

32 Dated: October 3, 2012

33 
34 _____
35 UNITED STATES DISTRICT JUDGE

36 **Friday, October 19, 2012.